
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

RAFAEL DOMINGUEZ, SR.,

Plaintiff,

versus

RUDY CHILDRESS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:04-CV-466

**MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Rafael Dominguez, Sr., proceeding *pro se*, filed the above-styled lawsuit against Rudy Childress and Harley Lappin.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

The defendants filed a motion for summary judgment. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this motion. The magistrate judge recommends the motion be granted.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the magistrate judge's Report and Recommendation.

SIGNED at Beaumont, Texas, this 8th day of December, 2006.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. The defendants' motion for summary judgment is **GRANTED**. A final judgment will be entered dismissing this lawsuit.